FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8428 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Rajiv Patil for the Applicant.
Ms. M.M.Mhatre, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : FEBRUARY 8, 2006.

P.C.

1. Heard both sides.

2. Rule. By consent, rule made returnable forthwith.

3. By this application, the applicant-original accused challenges an order dated 9.8.2005 passed by the Metropolitan Magistrate, 19th Esplanade Court rejecting a C Summary filed by the police on the ground that the offence under Section 406 and 420 of I.P.C. are made out against the accused. It is seen that in the same

the Magistrate has recorded the grievance of the complainant that the documents are yet to be seized and recovered by the police and hence, his prayer that investigation should be handed over to some other police officer is accepted and the Magistrate has handed over the investigation to Sr. Police Inspector, Economic Offence Wing for further investigation. In my view, if fresh investigation has been ordered, the proper course would have be to await the police report at the end of the completed investigation. In the circumstances, the impugned order to the extent to reject the C Summary is set aside. The Police are at liberty to submit fresh report after investigation is complete. New Investigating Officer attached to the Economic Offence Wing is present in the court and on taking instructions from him, APP makes a statement that in case the accused is required to be arrested then 72 hours notice in writing will be given to the applicant. Statement is

accepted. It is made clear that upon completion of the investigation, Investigating Officer will be entitled to assess the entire material collected during the investigation on merits and file an appropriate report and charge-sheet. Rule is made absolute accordingly. Petition is disposed off.

(R. S. MOHITE, J.)